

## Message Text

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TO SECSTATE WASHDC IMMEDIATE 8257  
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C O N F I D E N T I A L SECTION 1 OF 3 MOSCOW 7916

E.O. 11652: GDS  
TAGS: PGOV, PINT, ECON, UR  
SUBJECT: NEW DRAFT SOVIET CONSTITUTION

1. BEGIN SUMMARY. THE NEW DRAFT CONSTITUTION PUBLISHED  
TODAY PROJECTS THE IMAGE OF THE USSR AS A MATURE, DEVELOPED,  
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CONFIDENT SOCIALIST SOCIETY. THERE ARE NO REAL SURPRISES  
AND NO MAJOR CHANGES IN THE ROLE AND STRENGTH OF THE HIGHER  
ORGANS OF POWER, ALTHOUGH THERE IS A GOOD DEAL OF STREAM-  
LINING EVIDENT IN DESCRIPTION OF LOWER ORGANS. A  
FIRST DEPUTY SUPREME SOVIET CHAIRMAN IS CREATED THUS  
FACILITATING A POSSIBLE MOVE BY BREZHNEV TO ASSUME  
THE ROLE OF CHAIRMAN WHILE DELEGATING DAY-TO-DAY WORK

LOAD TO A FIRST DEPUTY. THE LANGUAGE RELATING TO ORGANIC ROLE OF THE COMMUNIST PARTY IS SIGNIFICANTLY STRENGTHENED , AND THE PRINCIPLE OF DEMOCRATIC CENTRALISM IS APPLIED TO STATE ORGANS. THERE ARE NEW SECTIONS ON FOREIGN POLICY AND DEFENSE AND A DEFENSE COUNCIL IS MENTIONED. A NEW FORM OF OWNERSHIP IS SANCTIONED, PROVISION OF PRIVATE PLOTS IS DISCRETIONARY RATHER THAN OBLIGATORY, CENTRALIZED MANAGEMENT OF THE ECONOMY IS HIGHLIGHTED, AND ENVIRONMENTAL PROTECTION IS ADDED. HUMAN RIGHTS RECEIVE MORE PROMINENCE THAN IN THE LAST CONSTITUTION, BUT ARE CLOSELY TIED TO CITIZENS' OBLIGATIONS AND THE DEMANDS OF SOCIALIST SOCIETY. THERE IS A GOOD DEAL OF EMPHASIS ON THE CREATION OF A SOVIET, AS OPPOSED TO NATIONAL, CITIZENSHIP AND CULTURE, ALTHOUGH SOME SOPS TO NATIONAL AUTONOMY ARE GIVEN. THE TEN PRINCIPLES FROM THE HELSINKI CSCE FINAL ACT ARE ENSHRINED AS THE BASIS OF SOVIET RELATIONS WITH OTHER STATES. END SUMMARY.

2. THE NEW DRAFT CONSTITUTION WAS PUBLISHED IN THE PRESS JUNE 4 "FOR DISCUSSION". IN COMPARISON WITH THE 1936 STALIN CONSTITUTION, THIS ONE GIVE THE IMPRESSION OF THE USSR AS A MATURE, RESPONSIBLE, AND DEVELOPED SOCIALIST SOCIETY. SETTING THE STAGE, A PREAMBLE GIVES GREAT PROMINENCE TO THE LEADING ROLE OF THE COMMUNIST PARTY, DESCRIBES THE USSR AS THE INSTRUMENT OF THE DEFENSE OF REVOLUTIONARY ACHIEVEMENTS AND STRESSES THAT THE USSR IS A STATE OF ALL THE PEOPLE, "THE SOVIET PEOPLE."

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3. A SECTION ON THE POLITICAL SYSTEM STATES THAT ALL POWER BELONGS TO THE PEOPLE (BEFORE IT BELONGED TO THE WORKERS AND PEASANTS) WHO EXERCISE IT THROUGH THE SOVIETS. THE LEADING ROLE OF THE CP IN THE USSR IS HIGHLIGHTED IN MUCH STRONGER LANGUAGE THAN BEFORE. THE ROLES OF THE TRADE UNIONS, KOMSOMOL AND OTHER MASS ORGANIZATIONS ARE GIVEN THEIR DUE. THE LONGSTANDING PARTY PRINCIPLE OF DEMOCRATIC CENTRALISM, I.E., SUBORDINATION OF LOWER ORGANS TO HIGHER ONES ONCE DECISIONS ARE MADE, IS SPELLED OUT AND APPLIED TO GOVERNMENTAL ORGANS. "SOCIALIST LEGALITY" IS DEFINED IN TERMS OF RIGHTS OF CITIZENS (ADMITTEDLY COMING AFTER PRESERVATION OF ORDER AND INTERESTS OF SOCIETY). MORE IMPORTANT IS CLEAR STATEMENT THAT GOVERNMENT INSTITUTIONS, SOCIAL ORGANIZATIONS, AND RESPONSIBLE INDIVIDUALS MUST OBSERVE THE CONSTITUTION AND SOVIET LAWS, A CLEAR REFERENCE TO PAST EXCESSES.

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C O N F I D E N T I A L SECTION 2 OF 3 MOSCOW 7916

4. BASIC ECONOMIC TENETS REMAIN UNCHANGED. HOWEVER,  
THE ECONOMIC SECTION SANCTIONS A THIRD FORM OF OWNER-  
SHIP (ALREADY EXISTING IN PRACTICE) BY TRADE UNIONS  
AND PUBLIC ORGANIZATIONS IN ADDITION TO STATE AND COLLECTIVE  
COOPERATIVE PROPERTY. CENTRALIZED MANAGEMENT IS EMPHA-  
SIZED AS ARTICLE 15 REFERS TO THE ECONOMY AS AN "INTEGRAL  
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ECONOMIC COMPLEX". OWNERSHIP OF PRIVATE PLOTS OF LAND IS

PLACED ON SOMEWHAT LESS FIRM BASIS; CITIZENS NOW "MAY HAVE USE" OF PLOTS OF LAND ALLOCATED BY THE STATE AND BY COLLECTIVE FARMS; PREVIOUS LANGUAGE STATED THAT COLLECTIVE FARM HOUSEHOLDS "SHALL HAVE" SUCH PLOTS FOR THEIR "PERSONAL" USE. SPECIFIC MENTION IS MADE OF THE OBJECTIVE OF DEVELOPING OF COLLECTIVE FARM COOPERATIVE OWNERSHIP INTO STATE OWNERSHIP. THE ROLE OF THE STATE IS EMBELLISHED IN OTHER WAYS, TOO, I.E., IN CONTROLLING LABOR AND CONSUMPTION. ONE ARTICLE ENSHRINES THE GOALS OF THE TENTH FIVE-YEAR PLAN (1976-1980) OF RAISING EFFICIENCY AND QUALITY OF OUTPUT AND INCREASING LABOR PRODUCTIVITY. THE OLD FORMULATION, FROM EACH ACCORDING TO HIS ABILITY TO EACH ACCORDING TO HIS WORK, IS RETAINED. ANOTHER NEW ARTICLE IN THIS SECTION IS ON ENVIRONMENTAL PROTECTION.

5. A SECTION ON SOCIALIST DEVELOPMENT AND CULTURE IS CONCERNED WITH SUCH MATTERS AS REDUCING DIFFERENCES BETWEEN TOWN AND COUNTRY, INTELLECTUAL AND MANUAL LABOR, AND BETWEEN DIFFERENT NATIONALITIES. IT LOOKS TOWARD IMPROVEMENTS IN WORKING CONDITIONS, AGRICULTURE, AND BETTER HEALTH CARE, RISING INCOMES, EDUCATIONAL OPPORTUNITIES, SCIENCE, ACCESS TO CULTURE AND ART, AND RECREATION FACILITIES.

6. THERE ARE TWO NEW CHAPTERS DEVOTED TO FOREIGN POLICY (ARTICLES 28-30) AND DEFENSE (ARTICLE 30-31). THE FOREIGN POLICY OF THE USSR IS PROCLAIMED TO BE AIMED AT INSURING THE BUILDING OF COMMUNISM, THE STRENGTHENING OF WORLD SOCIALISM, THE SUPPORT OF NATIONAL LIBERATION MOVEMENTS, THE PREVENTION OF WARS OF AGGRESSION AND THE IMPLEMENTATION OF THE PRINCIPLES OF PEACEFUL COEXISTENCE.

7. MOST SIGNIFICANTLY ARTICLE 29 ENSHRINES THE TEN PRINCIPLES FROM THE CSCE FINAL ACT AS THE BASIS OF THE "RELATIONS OF THE USSR WITH OTHER STATES." THE ONLY CHANGES

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ARE THAT NON USE OF FORCE IS PLACED FIRST AND SOVEREIGN EQUALITY SECOND, AND THE PHRASE "SELF DETERMINATION" (PRINCIPLE EIGHT) IS CHANGED TO "DETERMINE THEIR OWN DESTINY". ALSO, IN AN UNUSUAL PLACEMENT, "WAS PROPAGANDA", ALREADY ILLEGAL, IS OUTLAWED CONSTITUTIONALLY.

8. ARTICLE 30 DECLARES THAT THE RELATIONS WITH SOCIALIST COUNTRIES ARE TO BE BASED ON "SOCIALIST INTERNATIONALISM" AND THUS APPEARS TO GIVE THAT PRINCIPLE EQUAL STATUS AS COMPARED TO ALL TEN PRINCIPLES IN ARTICLE 29. "THE INTERNATIONAL SOCIALIST DIVISION OF LABOR" AND ECONOMIC INTEGRATION OF THE SOCIALIST COMMUNITY WILL HAVE THE ACTIVE PARTICIPATION OF THE USSR, SAYS ARTICLE 30.

9. THE CHAPTER ON DEFENSE STATES THAT SDEFENSE OF THE "SOCIALIST MOTHERLAND" IS "A MOST IMPORTANT FUNCTION OF THE STATE" AND GOES ON TO DELINEATE HOW IT SHALL BE INSURED, NOTING THAT THE STATE WILL SUPPLY THE ARMED FORCES WITH "ALL NCESSITIES," THUS MAKING EXPLICIT THE HIGH PRIORITY FOR MILITARY REQUIREMENTS. ALL REFERENCE TO THE MILITARY FORMATIONS OF THE UNION REPUBLICS, WHICH ARE MENTIONED IN THE PRESENT CONSTITUTION (BUT NON-EXISTENT), HAVE BEEN DROPPED.

10. HUMAN RIGHTS OCCUPY A MUCH MORE PROMINENT POSITION IN THIS DRAFT THAN IN THE LAST ONE, AND THEY ARE LISTED IN GREATER DETAIL. UNLIKE THE 1936 CONSITUTION, THE NEW ONE PRECEDES ITS LISTING OF HUMAN RIGHTS WITH THE QUALIFICATIONS THAT THEIR EXERCISE IS SUBORDINATE TO "THE INTERESTS OF SOCIETY AND OF THE STATE, (AND) THE RIGHTS OF OTHER CITIZENS." THE SECTION FIRST LISTS EQUALITY OF RIGHTS FOR WOMEN, FOREIGNERS LIVING IN THE USSR AND SOVIET ABROAD. THE RIGHT TO ASYLUM (FOR FREEDOM FIGHTERS AMONG OTHERS) IS MORE BROADLY DEFINED. THE SECTION THEN GREATLY EX-

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PANDS ON THE OLD CONSITUTION'S LISTING OF "REAL" RIGHTS, E.G., TO WORK, TO HEALTH CARE AND SO ON, AND ADDS SOME NEW ONES: THE RIGHTS TO HOUSING, CULTURE, AND TO CRITICISM OF THE STATE AND PUBLIC ORGANS WHOSE OFFICIALS ARE OBLIGATED TO RESPOND WITHIN LEGALLY PERSCRIBED TIME LIMITS. THE RIGHTS TO ASSEMBLY, PRESS FREEDOM, RELIGIOUS FREEDOM, ETC., REMAIN LIMITED. CONFIDENTIAL

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INVIOABILITY OF PERSON, DOMICILE AND CORRESPONDENCE IS AGAIN GUARANTEED. THE SECTION CONCLUDES WITH A LISTING OF CORRESPONDING DUTIES INCLUDING MILITARY SERVICE, WORK, SAFEGARDING SOCIALIST PROPERTY AND THE PROTECTION OF NATURE. IN CONTRAST TO THE OLD CONSTITUTION, THE MENTION OF THE CRIME OF HIGH TREASON HAS BEEN MADE MORE PROMINENT BY THE EXCLUSION OF ITS DEFINITION.

11. THE CHAPTERS ON STATE AND NATIONAL STRUCTURE REMAIN ESSENTIALLY UNCHANGED. THE RIGHT OF SECESSION OF UNION REPUBLICS IS RETAINED, AS IS THE RIGHT OF ADMISSION OF NEW UNION REPUBLICS. THE TERRITORIAL MAKE-UP AND DESIGNATIONS OF AUTONOMOUS REPUBLICS REGIONS AND AREAS IS UNCHANGED.

12. THE CHAPTER ON THE LEGISLATIVE AND EXECUTIVE ORGANS ALSO ARE MOTLY UNCHANGED. THE PRESIDUM OF THE SUPREME SOVIET IS NOW TO CONSIST OF A CHAIRMAN AND A FIRST DEPUTY CHAIRMAN AS WELL AS OF DEPUTY CHAIRMEN AND MEMBERS. THIS IS PERHAPS DESIGNED TO ALLOW BREZHNEV TO ASSUME HEAD OF STATE POSITION (CHAIRMAN) WHILE REDUCING THE ADDITIONAL BURDEN ON HIM BY ASSIGNING THEM TO THE NEW FIRST DEPUTY. THE COMPETENCY OF THE PRESIDUM IS EXPANDED AND INCLUDES FORMING AND APPROVING THE COMPOSITION OF THE DEFENSE COUNCIL, MAKING CHANGES IN EXISTING LEGISLATION, AND DECIDING QUESTIONS OF CITIZENSHIP, INCLUDING DEPRIVATION OF CITIZENSHIP. THE SUPREME SOVIET CONTINUES ITS BICAMERAL NATURE BUT ITS SIZE IS APPARENTLY DIMINISTED BY THE NEW PROVISION THAT BOTH SIDES BE NUMERICALLY EQUAL (OF 750 MEMBERS EACH). THE TERM OF OFFICE OF THE ALL-UNION AND UNION REPUBLIC SUPREME SOVIETS IS RAISED FROM FOUR TO FIVE YEARS.

13. THE SECTION ON THE COUNCIL OF MINISTERS PRESERVES  
THE THREE-TIER SYSTEM OF MINISTERS. THE CONTRAST TO THE  
EXISTING CONSTITUTION, HOWEVER, THE MEMBER MINISTRIES  
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AND STATE COMMITTEES ARE NOT LISTED BY NAME OR TYPE, THUS  
MAKING GOVERNMENT REORGANIZATION SOMEWHAT LESS  
COMPLICATED A PROCESS. APPARENTLY, THE HEADS OF THE KGB,  
GOSBANK, CENTRAL STATISTICAL ADMINISTRATION, AMONG OTHERS,  
WILL NO LONGER BE EX OFFICIO MEMBERS OF THE COUNCIL OF  
MINISTERS, SINCE THEIR ORGANIZATIONS ARE NOT STATE  
COMMITTEES. HOWEVER, ANOTHER PROVISION OF ARTICLE 128  
ALLOWS THE COUNCIL ADD "LEADERS OF OTHER ORGANS AND  
ORGANIZATIONS" BY SUBMISSION OF THE CHAIRMAN. THE FUNC-  
TIONS OF THE COUNCIL OF MINISTERS HAVE BEEN GENERALIZED.  
THE OLD CONSTITUTION WAS CAST IN TERMS OF ADMINISTRATION;  
THE NEW ONE INCLUDES POLICY MAKING AS WELL, AND--IN A NEW  
PROVISION--ADDS RESPONSIBILITY "TO TAKE MEASURES TO EN-  
SURE THE SECURITY OF THE STATE" (I.E., THE NATIONAL DE-  
FENSE FUNCTION).

14. THE DEFINITIONS OF THE REPUBLIC, REGIONAL AND LOCAL  
ORGANS OF POWER ARE STREAMLINED, BUT THEIR FUNCTIONS  
ARE NOT SUBSTANTIALLY ALTERED. THE ORGANS OF JUSTICE  
ARE SOMEWHAT REDEFINED, WITH "COURTS AND ARBITRATION"  
IN ONE SECTION AND THE PROCURATORS FUNCTIONS IN A  
SEPARATE SECTION. MILITARY TRIBUNALS ARE  
INCLUDED UNDER THE COURT SYSTEM, AND JUDICIAL PROCEEDINGS ARE  
REDEFINED IN A MANNER WHICH SEEMS TO EXPAND THE RIGHT  
OF THE ACCUSED. THE FUNCTIONS OF THE PROCURATOR'S OFFICE  
ARE SPELLED OUT MORE FULLY AND THE PROCURATOR GENRAL'S  
TERM OF OFFICE IS REDUCED FROM SEVEN TO FIVE YEARS. THE CONCLUDING  
PORTION OF THE CONSTITUTION DESCRIBES THE  
CONSTITUTION AS THE "HIGHEST JURIDICAL FORCE", AND STATES  
THAT ALL LAWS AND OTHER ACTS OF GOVERNMENTAL ORGANS ARE  
ISSUED ON THE BASIS OF AND IN ACCORDANCE WITH IT.

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## Message Attributes

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